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From-PILLSBURY WINTHROP

703-905-2500

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Attorney's Docket 037003-0280623  
Client Reference: 1999-30-0466CP3

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE** **MAR 02 2004**

In re PATENT APPLICATION of:  
NABIL HANNA ET AL.

Confirmation No: 9413

**OFFICIAL**

Application No.: 09/855,717

Group Art Unit: 1644

Filed: May 16, 2001

Examiner: Phillip Gambel

Title: TREATMENT OF B CELL MALIGNANCIES USING COMBINATION OF B  
CELL DEPLETING ANTIBODY AND IMMUNE MODULATING ANTIBODY  
RELATED APPLICATIONS

**Mail Stop Petition**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**CERTIFICATION OF FACSIMILE TRANSMISSION**  
**UNDER 37 C.F.R. §1.8**

I hereby certify that the following papers (46 pages including cover sheet) are being facsimile transmitted to the Patent and Trademark Office at (703) 872-9306 (ATTN: Petitions) on the date shown below:

- (1) Petition Pursuant to 37 C.F.R. § 1.78(a);
- (2) Fee Transmittal for Petition to Correct Priority Claim;
- (3) Petition for Extension of Time Under 37 C.F.R. § 1.136(a);
- (4) Amendment Pursuant to 37 C.F.R. § 1.111;
- (5) Document Regarding Availability of Antibodies as Referenced in Amendment; and
- (6) Declaration Pursuant to 37 C.F.R. § 1.132.

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(Certification of Facsimile Transmission—page 1)

U.S. Serial No. 09/855,717  
Attorney Docket No. 037003-0280623

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HANNA et al.

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\* \* \* \* \*

**PETITION TO CORRECT PRIORITY CLAIM**

**PURSUANT TO 37 C.F.R. § 1.78(a)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.78(a), applicants hereby petition for acceptance of a priority claim to an earlier filed application, which priority claim was inadvertently omitted upon filing of the instant application. As presented in the amendment filed herewith (Reply Pursuant to 37 C.F.R. § 1.111), it is requested that the first paragraph of the first page of the application be amended to include U.S. Application No. 09/435,992, filed November 8, 1999, still pending. The instant application claims priority to U.S. Application No. 09/435,992 under 35 U.S.C. §§ 120, 121.

The instant application is a continuation-in-part of U.S. Application No. 09/772,938, filed January 31, 2001, which claims priority to U.S. Provisional Application No. 60/217,706, filed July 12, 2000, and which is a continuation-in-part of U.S. Application No. 09/435,992, filed November 8, 1999. On filing the instant application, priority was claimed only to U.S. Application Nos. 09/772,938 and 60/217,706. U.S. Application No. 09/435,992 was inadvertently omitted from the priority claim.

U.S. Serial No. 09/855,717  
Attorney Docket No. 037003-0280623

Given that the claim is made after the time period provided by § 1.78(a)(2), applicants, through their undersigned attorney, state that the entire delay between the date the claim was due and the present was unintentional. Applicants realized the omission of the U.S. Application No. 09/435,992 application from the priority claim in response to the official action dated September 2, 2003, wherein the examiner requested that the specification be reviewed for errors. Payment of the requisite fee under 37 C.F.R. § 1.17(t) is also enclosed.

If the Commissioner should require any further information, or wish to discuss the facts or rules presented herein, please contact the undersigned at the telephone number set forth below.

Respectfully submitted,

PILLSBURY WINTHROP LLP



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